

February 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA ~~DA 10-0063~~ **DA 10-0063**

DANIEL and ELAINE BADLEY,

Appellees,

v.

CLINTON JOHN MORRIS,

Appellant.

FILED

FEB 11 2010

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STATE OF MONTANA

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that CLINTON JOHN MORRIS, the Appellant above-named and the Defendant in that cause of action filed in the Eleventh Judicial District, in and for the County of Flathead, as Cause No. DV-06-690(C), hereby appeals to the Supreme Court of the State of Montana from the District Court's *Order on Cross Motions for Summary Judgment*, dated November 5, 2009, and the Judgment dated January 26, 2010, to the extent it is a final adjudication of the summary judgment.

The Appellant further certifies:

1. That this appeal is not subject to the mediation process required by M.R.App.P., Rule 7, because the appeal is not for an action seeking monetary damages.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That neither party has challenged the constitutionality of any act of the Montana Legislature and therefore no notice is required to the Attorney General.
4. That transcripts have not been ordered since no hearing is involved with this appeal.
5. That included herewith is the filing fee prescribed by statute.

DATED this 10 day of February, 2010.

MORRISON & FRAMPTON, PLLP
Attorney for Appellant

By: _____

Sean S. Frampton

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the forgoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court: and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Anne G. Biby
HASH, O'BRIEN & BIBY, PLLP
P.O. Box 1178
Kalispell, MT 59903-1178

☒ U.S. Mail (first class postage)
☐ Hand Delivery
☐ Telecopy (facsimile)
☐ Other:

Clerk of District Court
Flathead County Justice Center
800 South Main Street
Kalispell, MT 59901

☒ U.S. Mail (first class postage)
☐ Hand Delivery
☐ Telecopy (facsimile)
☐ Other:

 2/10/10

Wanda R. Wooten
Morrison & Frampton, PLLP